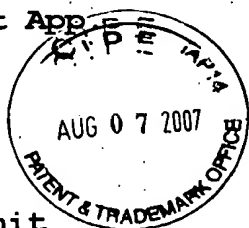


IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Bernd EIKMANNS et al
 Patent App 09/529,043
 Filed 3 April 2000 Conf. No. 6651
 For NUCLEIC ACID ENCODING PYRUVATE CARBOXYLASE FROM
 CORYNEFORM
 Art Unit 1656 Examiner Steadman, D
 Hon. Commissioner of Patents Allowed: 10 May 2007
 Box 1450
 Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION

As below-named inventors, we declare:

That the information given herein is true and that we believe that we are the original, first, and sole inventors of the invention that is described and claimed in the specification and claims of the above-identified application.

That the subject matter of the amendments filed in this application on 9 July 2002, 20 May 2003, 14 July 2004, 2 September 2004, 1 March 2005, 2 December 2005 and 29 March 2007 was part of our invention and was invented before the filing of the above-identified application.

That we do not know and do not believe that the invention was ever known or used in the United States of America before our invention thereof or more than one year prior to this application or, if this application is entitled under 35 USC 120 to the filing date of a predecessor application, more than one year prior to the effective date of such predecessor application.

That the invention has not been patented or made the subject of an inventor's certificate issued before the filing date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application or to the predecessor application and has not been abandoned.

That no application for patent or inventor's certificate on this invention has been filed by us or our legal representatives or assigns in any country foreign to the United States of America prior to the present application, or to the predecessor application except as has been set forth in the Oath or Declaration or any Substitute Oath or Declaration filed in the above-identified application;

That we hereby acknowledge a duty to disclose information of which we are aware and which is material to the examination of this application; and

That we hereby ratify all transactions in the United States Patent and Trademark Office carried out in the prosecution of this application by our attorneys and agents of record and ratify the appointment of our attorneys, Andrew Wilford, Reg. 26,597 and Jonathan Myers, Reg. 26,963, The Firm of Karl F. Ross, P.C., 5676 Riverdale Avenue, Box 900, Bronx, NY 10471-0900, Tel. (718) 884-6600.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: _____

Date: X 27. July 2007

Date: X 23. July 2007

Bernd EIKMANNS
 X Bernd EIKMANNS
 Petra PETERS-WENDISCH
 X Hermann SAHM

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Bernd EIKMANNs et al

Patent App. No. 09/529,043

Filed 3 April 2000

Conf. No. 6651

For NUCLEIC ACID ENCODING PYRUVATE CARBOXYLASE FROM CORYNEFORM

Art Unit 1656

Standort Wolfersbach
Examiner—Steadman, D

Hon. Commissioner of Patents

Allowed: 10 May 2007

Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL DECLARATION

As below-named inventors, we declare:

That the information given herein is true and that we believe that we are the original, first, and sole inventors of the invention that is described and claimed in the specification and claims of the above-identified application.

That the subject matter of the amendments filed in this application on 9 July 2002, 20 May 2003, 14 July 2004, 2 September 2004, 1 March 2005, 2 December 2005 and 29 March 2007 was part of our invention and was invented before the filing of the above-identified application.

That we do not know and do not believe that the invention was ever known or used in the United States of America before our invention thereof or more than one year prior to this application or, if this application is entitled under 35 USC 120 to the filing date of a predecessor application, more than one year prior to the effective date of such predecessor application.

That the invention has not been patented or made the subject of an inventor's certificate issued before the filing date of this application in any country foreign to the United States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to this application or to the predecessor application and has not been abandoned.

That no application for patent or inventor's certificate on this invention has been filed by us or our legal representatives or assigns in any country foreign to the United States of America prior to the present application, or to the predecessor application except as has been set forth in the Oath or Declaration or any Substitute Oath or Declaration filed in the above-identified application;

That we hereby acknowledge a duty to disclose information of which we are aware and which is material to the examination of this application; and

That we hereby ratify all transactions in the United States Patent and Trademark Office carried out in the prosecution of this application by our attorneys and agents of record and ratify the appointment of our attorneys, Andrew Wilford, Reg. 26,597 and Jonathan Myers, Reg. 26,963, The Firm of Karl F. Ross, P.C., 5676 Riverdale Avenue, Box 900, Bronx, NY 10471-0900, Tel. (718) 884-6600.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: X July 19th 2007

X Bernd Eikmanns
Bernd EIKMANNs

Date: _____

Petra PETERS-WENDISCH

Date: _____

Hermann SAHM